

Sixty-fifth
Legislative Assembly
of North Dakota

HOUSE BILL NO. 1323

Introduced by

Representatives Owens, D. Anderson, Beadle, Sukut

Senators Bekkedahl, Kreun

1 A BILL for an Act to amend and reenact section 39-21-41.2 and 39-21-41.4 of the North Dakota
2 Century Code, relating to child restraint devices and use of safety belts for children.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

4 **SECTION 1. AMENDMENT.** Section 39-21-41.2 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **39-21-41.2. Child restraint devices - Evidence.**

7 1. If a child, under seven~~seven~~nineeight years of age, is present in ~~any~~a motor vehicle, that
8 motor vehicle must be equipped with at least one child restraint system for each
9 ~~such~~the child. However, a child under the age of seven~~seven~~nineeight who is at least
10 fifty-seven inches [1.45 meters] tall ~~and who weighs at least eighty pounds [36.28-~~
11 ~~kilograms]~~ is not required to use a child restraint system, but must be correctly buckled
12 in a safety belt. The child restraint system must meet the standards adopted by the
13 United States department of transportation for those systems [49 CFR 571.213]. While
14 the motor vehicle is in motion, ~~each such~~the child must be properly secured in the
15 child restraint system in accordance with the manufacturer's instructions. ~~A child-~~
16 ~~weighing more than forty pounds [18.14 kilograms] may be restrained by a lap belt if~~
17 ~~the vehicle is not equipped with lap and shoulder belts or if all lap and shoulder belts~~
18 ~~are in use by other occupants.~~ While the motor vehicle is moving, each child of
19 ~~seven~~nineeight through seventeen years of age who is in the motor vehicle must be in
20 an approved child restraint system in accordance with the manufacturer's instructions
21 or correctly buckled in a ~~seatbelt~~safety belt. Use of child restraint systems and
22 ~~seatbelt~~safety belts is not required in motor vehicles that were not equipped with
23 ~~seatbelt~~safety belts when manufactured. If a child is being transported in an
24 emergency situation, this section does not apply.

1 2. Violation of this section is not, in itself, evidence of negligence. The fact of a violation
2 of this section is not admissible in any proceeding other than one charging the
3 violation.

4 **SECTION 2. AMENDMENT.** Section 39-21-41.4 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **39-21-41.4. Use of safety belts required in certain motor vehicles - Enforcement -**
7 **Evidence.**

8 Subject to the limitations of this section and section 39-21-41.5, a driver may not operate
9 upon a highway a motor vehicle designed for carrying fewer than eleven passengers, which
10 was originally manufactured with safety belts unless each front seat occupant is wearing a
11 properly adjusted and fastened safety belt. This section does not apply to a child in a child
12 restraint or ~~seat belt~~safety belt in accordance with section 39-21-41.2; to drivers of implements
13 of husbandry; to operators of farm vehicles as defined in subsection 5 of section 39-04-19; to
14 rural mail carriers while on duty delivering mail; to an occupant with a medical or physically
15 disabling condition that prevents appropriate restraint in a safety belt, if a qualified physician or
16 advanced practice registered nurse states in a signed writing the nature of the condition and the
17 reason restraint is inappropriate; or when all front seat safety belts are in use by other
18 occupants. A physician or advanced practice registered nurse who, in good faith, provides a
19 statement that restraint would be inappropriate is not subject to civil liability. A violation for not
20 wearing a safety belt under this section is not, in itself, evidence of negligence. The fact of a
21 violation of this section is not admissible in any proceeding other than one charging the
22 violation.